

## MARKETING

### 1. Training and Certification of Marketing Representatives

If Contractor conducts Marketing, Contractor shall develop a training and certification program for Marketing Representatives and ensure that all staff performing Marketing activities or distributing Marketing material are appropriately certified.

A. Contractor is responsible for all Marketing activity conducted on behalf of the Contractor. Contractor will be held liable for any and all violations by any Marketing Representatives. Marketing staff may not provide Marketing services for more than one Contractor. Marketing Representatives shall not engage in Marketing practices that discriminate against an Eligible Beneficiary because of race, creed, language, age, color, sex, religion, national origin, ancestry, marital status, sexual orientation, physical or mental handicap, or health status.

#### B. Training Program

Contractor shall develop a training program that will train staff and prepare Marketing Representatives for certification. Contractor shall develop a staff orientation and Marketing representative's training/certification manual. The manual shall, at a minimum, cover the following topics:

1. An explanation of the Medi-Cal Program, including both FFS and capitated contractors, and eligibility.
2. Scope of Services
3. An explanation of the Contractor's administrative operations and health delivery system program, including the Service Area covered, excluded services, additional services, conditions of enrollment and aid categories.
4. An explanation of Utilization Management (how the beneficiary is obligated to obtain all non-emergency medical care through the Contractor's provider network and describing all precedents to receipt of care like referrals, prior authorizations, etc.).
5. An explanation of the Contractor's grievance procedures.
6. An explanation of how to fill out an enrollment form.
7. An explanation of how a beneficiary disenrolls from the Contractor and conditions for both voluntary and mandatory disenrollment reasons.
8. An explanation of the requirements of confidentiality of any information obtained from Medi-Cal beneficiaries including information regarding eligibility under any public welfare or social services program.
9. An explanation of how Marketing Representatives will be supervised and monitored to assure compliance with regulations.

10. An explanation of acceptable communication and sales techniques. This shall include an explanation of prohibited Marketing Representative activities and conduct.
11. An explanation that discrimination in enrollment and failure to enroll a beneficiary due to a pre-existing medical condition (except for conditions requiring contract-excluded services) are illegal.
12. An explanation of the consequences of misrepresentation and Marketing abuses (i.e., discipline, suspension of Marketing, termination, civil and criminal prosecution, etc.). The Marketing Representative must understand that any abuse of Marketing requirements can also cause the termination of the Contractor's contract with the State.

## **2. DHS Approval**

- A. Contractor shall not conduct Marketing activities presented in provision 3, paragraph A, subparagraph 4 below, without written approval of its Marketing plan, or changes to its Marketing plan, from DHS. In cases where the Contractor wishes to attend a location or conduct an activity not included in provision 3, paragraph A, subparagraphs 3 and 4 below, Contractor shall submit a request to include such location or activity and obtain written, prior approval from DHS.
- B. All Marketing materials, and changes in Marketing materials, including but not limited to, all printed materials, illustrated materials, videotaped and media scripts, shall be approved in writing by DHS prior to distribution.
- C. Contractor's training and certification program and changes in the training and certification program shall be approved in writing by DHS prior to implementation.

## **3. Marketing Plan**

If Contractor conducts Marketing, Contractor shall develop a Marketing plan as specified below. Contractor shall implement and maintain the Marketing plan only after approval from DHS. Contractor shall ensure that the Marketing plan, all procedures and materials are accurate and do not mislead, confuse or defraud.

- A. Contractor shall submit a Marketing plan to DHS for review and approval on an annual basis. The Marketing plan, whether new, revised, or updated, shall describe the Contractor's current Marketing procedures, activities, and methods. No Marketing activity shall occur until the Marketing plan has been approved by DHS.

The Marketing plan shall have a table of contents section that divides the Marketing plan into chapters and sections. Each page shall be dated and numbered so chapters, sections, or pages, when revised, can be easily identified and replaced with revised submissions.

Contractor's Marketing plan shall contain the following items and exhibits:

1. Mission Statement or Statement of Purpose for the Marketing plan.
2. Organizational Chart and Narrative Description

The organizational chart shall include the Marketing director's name, address, telephone and facsimile number and key staff positions.

The description shall explain how the Contractor's internal Marketing department operates, identifying key staff positions, roles and responsibilities, and, reporting relationships including, if applicable, how the Contractor's commercial Marketing staff and functions interface with its Medi-Cal Marketing staff and functions.

**3. Marketing Locations**

All sites for proposed Marketing activities such as annual health fairs, and community events, in which the Contractor proposes to participate, shall be listed.

**4. Marketing Activities**

All Marketing methods and Marketing activities Contractor expects to use, or participate in, shall be described. Contractor shall comply with the guidelines described in Title 22, CCR, Sections 53880 and 53881, Welfare and Institutions Code, Sections 10850(b), 14407.1, 14408, 14409, 14410, and 14411, and as follows:

- Contractor shall not engage in door to door Marketing for the purpose of enrolling Members or for any other purpose.
- Contractor shall obtain DHS approval to perform in-home Marketing presentations and shall provide strict accountability, including documentation of the prospective Member's request for an in-home Marketing presentation or a documented telephone log entry showing the request was made.
- Contractor shall not conduct Marketing presentations at primary care sites.
- Include a letter or other document that verifies cooperation or agreement between the Contractor and an organization to undertake a Marketing activity together and certify or otherwise demonstrate that permission for use of the Marketing activity/event site has been granted.

**5. Marketing Materials**

Copies of all Marketing materials the Contractor will use for both English and non-English speaking populations shall be included.

A sample copy of the Marketing identification badge and business card that will clearly identify Marketing Representatives as employees of the Contractor shall be included. Marketing identification badges and business cards shall not resemble those of a government agency.

6. Marketing Distribution Methods

A description of the methods the Contractor will use for distributing Marketing materials.

7. Monitoring and Reporting Activities

Written formal measures to monitor performance of Marketing Representatives to ensure Marketing integrity pursuant to Welfare and Institutions Code, Section 14408(c).

8. Miscellaneous

All other information requested by DHS to assess the Contractor's Marketing program.

**4. Marketing Event Notification**

Contractor shall notify DHS at least thirty (30) days in advance of Contractor's participation in all Marketing events.